



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION IX
75 Hawthorne Street
San Francisco, CA 94105

April 27, 2015

Mr. Brad Hubbard
Bureau of Reclamation
2800 Cottage Way
Sacramento, California 95825

Subject: Final Environmental Impact Statement for the Long Term Water Transfers Project,
Various Counties, California (CEQ# 20150082)

Dear Mr. Hubbard:

The Environmental Protection Agency has reviewed the Final Environmental Impact Statement (EIS) for the above referenced project. Our review is pursuant to the National Environmental Policy Act, Council on Environmental Quality regulations (40 CFR Parts 1500-1508), and our NEPA review authority under Section 309 of the Clean Air Act.

The Long Term Water Transfers Project would implement a 10-year water transfer program to move water from willing sellers upstream of the Sacramento/San Joaquin Delta to willing buyers south of the Delta. On December 15, 2014, EPA provided comments on the Draft EIS for this project. In our comments, we identified significant concerns with the proposed project. In particular, we identified concerns related to the potential for groundwater overdraft, land subsidence, air quality impairments, and impacts to fisheries, migratory birds, and terrestrial wildlife. We also found that the discussion of mitigation measures critical to offsetting impacts related to these issues lacked sufficient detail to demonstrate likely mitigation effectiveness.

Based on EPA's review of the Final EIS, we find that some of our previously expressed concerns have been addressed. For instance, we note that in response to EPA's comments, additional baseline groundwater information has been added to Section 3.3.1.3.2 and additional information regarding air quality monitoring, mitigation reporting and enforcement requirements were added to Section 3.5 of the Final EIS. We also note that the Agencies incorporated EPA's recommendation that growers be notified of the Department of Agriculture's incentive program for reducing agriculture-related air pollution emissions. Despite the added information, EPA has continuing concerns related to potential impacts to groundwater levels, which could result in corresponding impacts upon stream flows and wildlife resources. Please consider the following recommendations in preparing the Record of Decision.

Significance Thresholds and Mitigation Triggers

EPA appreciates the additional information provided in the Final EIS to more thoroughly describe mitigation measure GW-1. Under measure GW-1, each groundwater substitution water transfer authorized by BOR will need to prepare a site-specific monitoring and mitigation plan that conforms to the specific provisions laid out in the FEIS. We note that the impact analyses for a number of resource areas, including groundwater levels, land subsidence, and vegetation and wildlife rely heavily upon measure GW-1 to ensure that otherwise significant adverse impacts are avoided and/or mitigated.

While EPA notes that significant additional detail has been added to the EIS to better describe the constraints and requirements that GW-1 will place upon the required monitoring and mitigation plans (p. 3.3-161); it is still unclear whether the provisions identified will achieve the level of effectiveness indicated. For instance, the Final EIS states that the “primary criteria used to identify potentially significant impacts to ground water levels are the Basin Management Objectives (BMO) set by the Groundwater Management Plans” (p. 3.3-162). Because avoidance of “significant impacts” to groundwater levels is a requirement of measure GW-1 (p. 3.3-166), the quantitative BMOs would also serve as the trigger for the implementation of mitigation. However, it is not clear that the BMOs set by the various Groundwater Management Plans are the most appropriate threshold for significance and/or mitigation triggers. The BMOs identified are highly variable and, even where quantitative values are provided, it is unclear how they were established and whether they would offer long term protection for groundwater resources. In contrast, for areas where quantitative BMOs do not exist, the Final EIS states that in order to establish significance thresholds, “Reclamation, SLDMWA, and the potential seller(s) will coordinate closely with potentially impacted third parties to collect and monitor groundwater data” (3.3-162). Given the highly variable and uncertain nature of the BMOs, EPA recommends that Reclamation consider the identified quantitative BMOs to be the minimum threshold of significance under measure GW-1 and commit, in the Record of Decision, to requiring the process of coordination with potentially affected third parties (described above) for the establishment of significance thresholds/mitigation triggers for all transfers.

Greenhouse Gas Emission Reduction

On December 18, 2014, the Council on Environmental Quality released revised draft guidance for public comment that describes how Federal departments and agencies should consider the effects of greenhouse gas emissions and climate change in their National Environmental Policy Act reviews. EPA believes that this guidance outlines a reasonable approach to analysis of project impacts to and from climate change. Section 3.6 of the Final EIS addresses the subject of climate change, including both a calculation of the project’s approximate CO₂ emissions and a discussion of climate change’s potential impact upon the project. EPA notes that no discussion of potential mitigation measures for reducing or minimizing GHG emissions is included in the Final EIS. Because all emissions contribute to global climate change and reductions of any emissions would produce an environmental benefit, EPA recommends that the Agencies consider including in their Record of Decision a discussion of practicable mitigation measures to reduce project-related GHG emissions. This approach would be consistent with the recommendations of CEQ’s revised draft guidance. In particular, EPA notes that the implementation of mitigation measures AQ-1 and AQ-2 would likely reduce GHG emissions because they would result in the replacement of older, less efficient groundwater pumps and agricultural equipment, with newer, more fuel efficient models and include limits on diesel burning ground water pumps.

EPA appreciates the opportunity to provide comments for this project. When the Record of Decision is released, please send one hard copy and one electronic copy to the address above (Mail Code: ENF 4-2). If you have any questions, please contact me at (415) 972-3873 or contact Carter Jessop, the lead reviewer for this project. Carter can be reached at (415) 972-3815 or jessop.carter@epa.gov.

Sincerely,



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Kathleen Martyn Goforth, Manager
Environmental Review Section

cc:

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